



U.S. Department of Justice

United States Attorney
Southern District of New York

The Jacob K. Javits Federal Building
26 Federal Plaza, 37th Floor
New York, New York 10278

June 25, 2024

BY ECF AND E-MAIL

The Honorable Edgardo Ramos
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED, page 2.

Re: *United States v. Jose Cesari*, 24 Cr. 154-1 (ER)

Dear Judge Ramos:

The Government respectfully writes to seek an adjournment of the initial conference currently scheduled for June 26, 2024, at 10:30 a.m., to July 2, 2024, at 11:30 a.m., consistent with the parties' correspondence with chambers earlier today.

At approximately 12:00 p.m. today, the defendant was released from federal custody after satisfying his bond conditions, and was transferred into the custody of the New York City Police Department ("NYPD"), due to an active arrest warrant for the defendant arising out of Essex County, New Jersey. Following the defendant's transfer into NYPD custody, the Government's understanding was that the defendant could be released from state custody today; he could be held in state custody in New York today pending his transfer to New Jersey; or he could be transferred to New Jersey today, at which point a New Jersey state court would likely determine whether the defendant would remain in state custody pending the resolution of the Essex County case.¹

Earlier this afternoon, the Government apprised defense counsel of the defendant's release from federal custody and discussed the above-described potential scenarios. The parties subsequently advised chambers of the uncertainty over whether the defendant would be available to appear at the June 26 conference. After conferring with chambers, the Government understands that the Court is amenable to an adjournment of the initial conference to July 2, 2024, at 11:30 a.m., to allow time for the defendant to be released from state custody, or, alternatively, for the Government to determine the defendant's custodial location and thereby enable the Government to secure a writ of habeas corpus ad prosequendum for the defendant's appearance.

¹ The Government learned this evening that the defendant was not released from state custody today, but appeared in court and is being held at Rikers Island overnight. The Government provided this update to defense counsel this evening.

Accordingly, the Government respectfully writes to seek such an adjournment.

The Government further requests that the time between June 26, 2024, and July 2, 2024, be excluded pursuant to the provisions of the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A). The Government respectfully submits that the ends of justice served by granting the proposed exclusion outweigh the best interests of the public and the defendant in a speedy trial, as the proposed exclusion will allow the parties time to determine the status of the defendant's state custody, and allow the Government time to produce discovery and allow the defendant time to review the same.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By:



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cc (by ECF and e-mail): Donna Newman, Esq.

The initial conference is adjourned to July 2, 2024, at 11:30 a.m. Speedy trial time is excluded from June 26, 2024, until July 2, 2024, in the interest of justice.

SO ORDERED.



Edgardo Ramos, U.S.D.J.

Dated: 6/26/2024

New York, New York